HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION NO: 33352 of 1998

Dated: 05-09-2007

Between:

G.Bhooma Reddy

..... PETIT

AND

The Government of Andhra Pradesh,
Rep., by Secretary Government,
Panchayat Raj and Rural Development Department,
Hyderabad and 3 others.

.....RESPONI

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No. 33352 of 1998

O R D E R:

This writ petition is filed for a writ of certiorari to quash the proceedings No.A1/451/98-Pts., dated 03-07-1998 issued by the second respondent whereby he transferred the post of Clerk-cum-Bill Collector from the office of Choppadandi Gram Panchayat to Boopalapatnam Gram Panchayat.

The averments contained in the affidavit filed in support of the writ petition show that the petitioner was Sarpanch of Choppadandi Grampanchayat, Karimnagar District and that the said Gramapanchayat was bifurcated into two Grampanchayats due to carving out of a new Grampanchayat called Boopalapatnam Grampanchayat (fourth respondent). An allegation was made that in doing so, the District Collector was not acting in administrative interest but was compelled to take the said decision due to political pressure exerted by the Sarpanch of Boopalapatnam Grampanchayat.

Initially, this Court granted interim stay of the impugned proceedings, but later at the instance of fourth respondent- Grampanchayat the said interim stay was vacated on 06-07-1999.

Sri P.Kishore Rao, learned counsel for the petitioner reiterated the averments contained in the affidavit. There is no representation on behalf of the respondents.

Having heard the learned counsel for the petitioner, I do not feel persuaded to accept his contention that the action of the second respondent in transferring the post of Clerk-cum-Bill Collector suffers from any legal infirmity warranting interference by this Court in exercise of its power of judicial review.

It is not the case of the petitioner that the second respondent has no jurisdiction to transfer a post from one Grampanchayat to other Grampanchayat. Though a vague allegation was made in the affidavit by the petitioner that the Collector succumbed to the pressure exerted by the fourth respondent-Grampanchayat, no material has been placed in support of his

contention. Moreover, the petitioner has not filed this writ petition as representing the Grampanchayat. In the affidavit, he has not stated that he was authorized by the Grampanchayat to file the writ petition. I am of the view that the petitioner in his individual capacity has no locus to question the action of the second respondent. If at all the Grampanchayat is aggrieved by such an action, it would have been open to it to file a writ petition. Moreover, the petitioner's term as Sarpanch appeared to have expired long time back and he cannot continue to pursue this writ petition, which was filed as a Sarpanch of the Grampanchayat.

For the aforementioned reasons, the writ petition is without any merit and is accordingly dismissed. No costs.

C.V.NAGARJUNA REDDY,J

Date:05-09-2007
KLP